ranking crew member. The individual railroads propose that each employee will have his or her own personal identification number (''pin'') which will remain confidential to the employee. When accessing the computer for input of the hours of service record, required by § 228.11, the ''pin'' will not appear on the computer screen when the employee enters his or her number. The ''pin'' is proposed to satisfy the signature requirements of the ''Hours of Service of Railroad Employees.'' The railroads maintain that the change is necessary to modernize recordkeeping.

Issued in Washington, DC, on April 17, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

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Petition for Waivers of Compliance

In accordance with 49 CFR 211.9, 211.41 and 211.45, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Renfe Talgo of America, Incorporated

Addendum to Docket Numbers RSGM–94–2 and SA–94–1

The Washington State Department of Transportation (WDT) is the lessee of the Renfe Talgo of America, Incorporated (RTOA) passenger train currently in service in the Pacific Northwest High Speed Corridor between Seattle, Washington and Portland, Oregon. The Talgo train is operating under the Federal Railroad Administration (FRA) waivers Docket Numbers RSGM–94–2 and SA–94–1. The waivers were conditionally granted on March 25, 1994.

RTOA requested the waivers of compliance with certain provisions of the Railroad Safety Glazing Standards (49 CFR Part 223) under Docket Number RSGM–94–2 and the Railroad Safety Appliance Standards (49 CFR Part 231), under Docket Number SA–94–1 and the (see 59 FR 9016, February 24, 1994).

The RSGM–94–2 conditional waiver permits the operation of the Talgo train in revenue service in the Pacific Northwest High Speed Rail Corridor for the WDT operated by the National Railroad Passenger Corporation (Amtrak). The waiver is from compliance with the Railroad Glazing Standards (49 CFR 223.15(b)), which requires that all side facing glazing on passenger cars must meet the FRA Type II testing criteria. RTOA states that the side facing glazing of the TALGO train may in fact meet the FRA requirements for FRA Type II, but it has not been subjected to the test specified in the regulation. The windows in the sides of the cars are double glazed with tempered safety glass. Each layer is 6 mm. (.24 inches) thick with an air space in between the two layers.

The SA–94–1 conditional waiver from compliance of the Railroad Safety Appliance Standards (49 CFR 231.14) and Sections 2 and 4 of the Safety Appliance Act (45 U.S.C. Sections 2 and 4), which requires that each passenger car must be equipped with side handholds, end handholds and uncoupling levers. The passenger cars have side handholds at the doors for the assistance of passengers, but there are no side handholds or end handholds which the rules contemplate for use in switching operations or coupling and uncoupling. RTOA states that the 12 cars in the TALGO train constitute a single unit, in that the cars will not be uncoupled from one another, except at specified maintenance facilities. The individual cars are joined by swivel type traction couplers which will not uncouple in normal operations and because of this configuration there is no need for uncoupling levers. Standard AAR Type E couplers will be installed at the ends of the front and rear service cars.

WDT has requested a change in the waiver in order to place the Talgo train in temporary revenue service between Seattle and Vancouver, British Columbia, Canada; and removing it from revenue service between Seattle and Portland.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding. However, if an opportunity for oral presentation before representatives of the FRA is requested before May 1, 1995, FRA will provide such opportunity at a public hearing. If held, this public hearing will take place in Seattle, Washington, on May 16, 1995. Information as to whether a hearing will be held, and specific location, may be obtained after May 1, 1995, by contacting the FRA Docket Clerk at 202–366–2257 or by writing the Docket Clerk at the Federal Railroad Administration, Office of Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number SA–94–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before May 26, 1995, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC, on April 17, 1995.

Phil Olekszyk,

Acting Deputy Associate Administrator for Safety Compliance and Program Implementation.

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National Highway Traffic Safety Administration

Petitions for Modification of Exemptions From the Vehicle Theft Protection Standard; Saab Cars USA, Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Grant of petitions for modification of exemptions from vehicle theft protection standard.

SUMMARY: On September 8 and September 12, 1994, Saab Cars, USA, Inc. (''Saab'') filed petitions with the National Highway Traffic Safety Adminsitration (''NHTSA'') asking for modification to agency-approved exemptions from the vehicle theft protection standard for its model years (MY) 1995–1997 900 and 9000 car lines. NHTSA is granting Saab's petitions for modification of its exemption from the parts-marking requirement of the vehicle theft prevention standard for the MY 1995–1997 900 and 9000 car lines because it has determined, based on substantial evidence, that the antitheft devices described in Saab's petition to be placed on the car lines as standard equipment, are likely to be as effective in reducing and deterring motor vehicle

theft as compliance with parts-marking requirements.

DATES: The exemptions granted by this notice are effective for MY 1995 and thereafter.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Ms. Gray's telephone number is (202) 366–1740.

SUPPLEMENTARY INFORMATION: On June 1, 1988, NHTSA published in the **Federal Register** a notice granting a petition from Saab Cars USA, Inc. (Saab) for an exemption from the parts-marking requirements of the vehicle theft prevention standard for the Saab 9000 car line beginning with MY 1989. (See 53 FR 20061, June 1, 1988.) On July 26, 1993, the agency published a **Federal Register** notice granting a petition from Saab for an exemption from the parts-marking requirement of the vehicle theft protection standard beginning with MY 1994 for a car line whose nameplate was at that time confidential. (See 58 FR 39853, July 26, 1993.) With the beginning of production in MY 1994, the identity of that car line, the Saab 900, became publicly available. The agency determined that the antitheft devices, which Saab intends to install on the two car lines as standard equipment was likely to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of the theft prevention standard.

Saab submitted petitions for modification of those previously approved antitheft systems, dated September 8, 1994, and September 12, 1994, for the MYs 1995 through 1997 Saab 900 and 9000 car lines, respectively. This notice responds to both of those petitions.

These petitions contained detailed descriptions of the identity, design, and location of the components of the antitheft systems, including diagrams of the components and their location in each vehicle. Saab stated that the modified antitheft systems have been enhanced to incorporate a glass-breakage sensor; a remote transmitter which arms, locks, unlocks, and disarms the systems; and an ignition-fuel disengagement feature.

The functions of the existing systems have been modified by adding three components: (1) A radio frequency remote transmitter; (2) a separate glass breakage sensor for the windows (excluding the Saab 900 convertible models); (3) an ignition and fuel-cutoff feature to supplement the starter disengagement feature. Presently, the operator may activate these systems by using the key. This function has been extended to incorporate the use of a remote transmitter. Saab stated that the transmitter uses radio frequencies and rolling security codes. Thus, each time the driver uses the remote transmitter, a different code is set, making it virtually impossible to circumvent. The transmitter also has a small LED indicator beside each button of the transmitter to show battery charge. On the Saab 9000, locking of either front door with the key or the remote transmitter will automatically lock all vehicle doors and the hatch/trunk lid, and arm the starter interrupt, fuel pump, and ignition system relays. On the 900 activation of the system can only be accomplished by using the remote. The ignition key will only lock the doors. Furthermore, Saab stated, in a telephone call, that use of the key or the remote transmitter to lock the doors will protect all windows (except on the Saab 900 convertible) from unauthorized entry.

Once the systems are armed, unauthorized entry or breach of the protected areas will trigger the antitheft system. In addition to activating the audible alarm, flashing lights and starter interrupt, arming the new system causes the fuel and ignition systems to be disabled for 30 minutes. If the alarm is disarmed within a 30 to 300 second period, the alarm will be interrupted and the turn signals will stop. However, if another attempted unauthorized entry is made during that time, the system will reset itself for another 30-minute period. Saab has added a glass breakage sensor (except on the Saab 900 convertible), which will further attract attention to unauthorized entry attempts. There is an LED display on the dashboard that indicates the various states of alarm.

Saab has customized some features of the alarm system, giving customers the ability to configure the system to automatic arming whenever the ignition is turned off, to change the type of confirmation signal when the alarm is armed/disarmed, or to select among different responses when the alarm is triggered.

To prevent defeat of these system, all system components will be inaccessibly located and be monitored by the antitheft system for unauthorized tampering. In addition, all door lock mechanisms are covered and recessed inside the door, making it very difficult for an unauthorized person to unlock the doors using an instrument that slides between the window and the outer door. The interior door lock plungers are designed so that they cannot be snagged with a wire inserted between the weatherstripping and the window glass. Because the latch mechanism will be located in the door, it will be more difficult to unlatch the door by sliding an instrument between the door and the B- or C-pillar. In the event that there is unauthorized entry without a key despite activation of the visual and audible alarm features, the fuel, ignition and starter disengagement features will be activated, preventing operation of the vehicle.

Saab also stated that the keylocks on the 900 and 9000 are unique to Saab and almost impossible to pick; and it would be extremely difficult to duplicate the keys on either vehicle. Special key-cutting equipment and blanks are needed to duplicate the keys. In addition, access to codes and key blanks is made more difficult by the fact that they are protected within the Saab dealer and corporate network.

Saab addressed the reliability and durability of its antitheft device by providing a list of specific testing programs that validate the system's integrity. The examinations included testing for electrical strength, electromagnetic compatibility, radiated interference susceptibility, conduction emissions/audio frequency, disturbance (supply lines), transient emissions, radiated emissions/radio-frequency disturbance (vehicle level), mechanical vibration, random and cycled temperature, durability life cycle, mechanical shock, ambient temperature extremes, corrosion resistance, dust and small particle exposure, salt spray and low air pressure.

In addition, Saab stated that its antitheft systems are protected against false activation caused by sound wave vibration, air turbulence, and temperature or light changes. They are also equipped with a self-diagnosis system which monitors proper functioning of the system each time it is armed. If the system detects failure, a fault code is stored, and the LED will blink for ten seconds after the arming of the alarm (rather than remaining steadily lit for ten seconds) as long as the code is left in memory.

In discussing why it believes these antitheft devices will be effective in reducing and deterring motor vehicle theft, Saab said that the modified systems will add features to already effective antitheft systems. Saab based its contention in part on NHTSA's preliminary MY 1992 theft data, which shows that the Saab 9000 car line equipped with the system for which it was previously granted an exemption has a theft rate of .4695, ranking it 195th out of 215 vehicle lines. Saab also based its contention on Highway Loss Data

Institute (HLDI) results for MYs 1991–1993. Based on that data, the Saab 9000 had a relative theft rate of 57, compared with an average rate for mid-size luxury models of 94. This included the following specific vehicle theft rate numbers: Buick Riviera—114; Volvo 940/960—68; Infiniti J30—71; Mercedes 190E—121; BMW 318i/325i—126; and the BMW 525i/535i—112.

Saab contends that its system for the 900 line is effective at reducing theft based on the HLDI data for 1991–1993. That data indicated that for the Saab 900 convertible, which used an antitheft system that was activated by a remote transmitter but lacked the immobilization feature of the modified system, the relative theft rate was 128 as compared to 140 for all cars in the ''small sports model category.'' Comparable models were the Chevrolet Corvette convertible, the Mazda Miata convertible, and the Mercury Capri convertible. Saab also stated that the preliminary NHTSA theft data for MY 1992 showed that the rate for the Saab 900 line was 1.7442, well below the median. Saab said that it expects the rate for the MYs 1995–1996 900 line will be below this low rate, and close to the 9000's rate of .4695.

Saab states that it believes that the antitheft systems to be installed on the 9000 and 900 car lines will be more effective than parts marking in reducing and deterring motor vehicle theft because the existing system already comply with all of the criteria of § 543.6(a)(3), the new modifications are designed to improve the current systems, and Saab now uses visible antitheft system window warning labels.

NHTSA believes that there is substantial evidence indicating that the modified antitheft systems planned to be installed as standard equipment on the MY 1995 Saab 900 and 9000 car lines will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information that Saab submitted with its petitions and on other available information. The agency believes that the modified device will continue to provide the types of performance listed in section 543.6(a)(3): Promoting activation, attracting attention to unauthorized entries, preventing defeat or circumventing of the device by unauthorized persons, preventing operation of the vehicle by unauthorized entrants, and ensuring the reliability and durability of the device.

As required by 49 CFR 543.6(a)(4), the agency also finds that Saab has provided adequate reasons for its belief that the modified antitheft device will reduce and deter theft. This conclusion is based on the information Saab provided on its devices. This information included a description of reliability and functional tests conducted by Saab for the antitheft device and its components.

49 CFR section 543.9(h)(2)(ii) permits the agency to establish an effective date for the modification of the exemptions earlier than ''the model year following the model year in which NHTSA issued the modification decision'' upon a showing of good cause by the manufacturer that an earlier effective date for modifying its exemption is consistent with the public interest and purposes of 49 U.S.C. section 33106. Saab's petitions sought a 1995 model year effective date for the modification of its exemption, which is earlier than the model year following the one in which its petition is granted. Making the modification of Saab's antitheft systems effective beginning with MY 1995 are in the public interest since it would permit expeditious manufacture and sale of vehicles with the modified antitheft systems as standard equipment. Saab cited the 1992 theft data published by NHTSA in the **Federal Register** showing that the Saab 9000 line had a theft rate of .4695 and for the 900 the rate was 1.7442, well below the median theft rate. Saab stated its belief that the antitheft device proposed for the MY 1995 900, which is essentially the same device, will continue to have a theft rate well below the median. NHTSA finds that this constitutes a showing of ''good cause'' and that making the modification of Saab's petition effective beginning with MY 1995 is consistent with the public interest and 49 U.S.C. 33106.

For the foregoing reasons, the agency hereby exempts the Saab 900 and 9000 car lines that are the subject of this notice, in whole, from the requirements of 49 CFR part 541 for MYs 1995 through 1997.

If, in the future, Saab decides not to use the exemptions for a car lines that are the subject of this notice, it should formally notify the agency. If such a decision is made, the car lines must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available. With implementation of the requirements of the ''Anti Car Theft Act of 1992,'' NHTSA anticipates more probative data upon which comparisons may be made.

NHTSA notes also that if Saab wishes in the future to modify the device on which these exemptions are based, the company may have to submit a petition to modify the exemptions. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

However, the agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: April 14, 1995.

Ricardo Martinez,

Administrator.

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